



# भारत का राजपत्र

## The Gazette of India

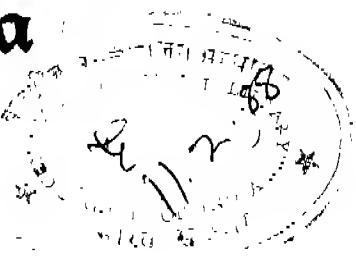
असाधारण

EXTRAORDINARY

भाग II—खण्ड 2  
PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 12th May, 1987:—

## I

## BILL NO. XIX OF 1987

*A Bill to provide for the introduction of a system of licensing to regulate the business of shipping agents and for matters connected therewith*

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

1. (1) This Act may be called the Shipping Agents (Licensing) Act, 1987.

Short title,  
extent  
and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different ports or places in India, and any reference to commencement in any provision of this Act shall, in relation to any port or place, be construed as a reference to the commencement of such provision in that port or place.

**Definitions.**

**2.** In this Act, unless the context otherwise requires,—

- (a) "licence" means a licence to carry on the business of shipping agent issued under section 5;
- (b) "licensing authority" means the licensing authority appointed by the Central Government under section 3;
- (c) "nationalised bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980;
- (d) "prescribed" means prescribed by rules made under this Act;
- (e) "shipping agent" means any person engaged on behalf of the owner, principal charterer or master of a ship in the husbanding of ships and providing shipping services in India including—
  - (i) arrangement of port services through a port or ports or place or places in India;
  - (ii) obtaining clearance from customs authorities in India;
  - (iii) attending to, and complying with, the requirements of the laws relating to shipping and combined transport in India;
  - (iv) making arrangements for the services of stores and supplies to a ship, ship repairing and servicing and facilities for crew;
  - (v) arranging for the loading and unloading of cargo, cargo documentation, procurement, disposal and securing of cargo; and
  - (vi) collection of freight and all financial and other matters connected with shipping and combined transport services at a port or place in India;
- (f) words and expressions used in this Act, but not defined herein shall have the same meanings as are assigned to them in the Merchant Shipping Act, 1958.

5 of 1970.  
40 of 1980.

44 of 1958.

Appoint-  
ment of  
licensing  
authority.

**3. The Central Government may, by notification in the official Gazette, appoint a licensing authority for the purposes of this Act,**

No person  
to function  
as ship-  
ping agent  
without a  
valid  
licence.

**4. No person shall, after the commencement of this Act, commence or carry on the business of a shipping agent except under, and in accordance with, a licence issued in that behalf by the licensing authority:**

Provided that a person carrying on the business of a shipping agent immediately before the commencement of this Act may continue to carry on such business without such a licence for a period of three months from such commencement, and, if he has made an application for such licence under this Act within the said period of three months and such application is in the prescribed form and contains the prescribed particulars, till the disposal of such application by the licensing authority.

**5.** (1) An application for a licence shall be made to the licensing authority in such form and shall contain such particulars as to the name of the applicant his financial soundness, address at which he intends to carry on his business, facilities at his disposal, his antecedents (including information as to whether any licence has been issued to him under this Act earlier and if so, whether such a licence had been cancelled at any time), previous experience, if any, as a shipping agent and such other matters as may be prescribed.

Application for licence.

(2) An application for a licence under sub-section (1) shall also be accompanied by—

(a) a receipt evidencing the payment of such fees, not exceeding one thousand five hundred rupees, as may be prescribed;

(b) an affidavit giving the current financial standing of the applicant; and

(c) an undertaking to be given by the applicant in the form prescribed to the effect that in the event of any information furnished in, or along with, the application for licence being found to be false or incorrect in any material particulars, the licence shall be liable to be cancelled at any time in accordance with the procedure prescribed.

(3) On receipt of an application under sub-section (1), the licensing authority shall,—

(a) if the application is not in the prescribed form or does not contain any of the prescribed particulars, return it to the applicant;

(b) if the application is in the prescribed form and contains the prescribed particulars, issue a licence to the applicant.

**6.** A licence issued under section 5 shall be—

Terms and conditions of licence.

(a) in such form as may be prescribed;

(b) valid for such period not exceeding five years as may be prescribed:

Provided that a licence may be issued for a period shorter than the prescribed period—

(i) if the person to whom it is issued so desires; or

(ii) if the licensing authority, for reasons to be communicated in writing to the applicant for the licence, considers that the licence should be issued for a shorter period;

(c) subject to such other terms and conditions, including, in particular, the furnishing of such amount of security deposit as may be prescribed, by the person to whom the licence is issued, for the due performance of the terms and conditions of the licence and the maintenance by the holder of the licence of the prescribed records containing details of his financial transactions in regard to the shipping services he has rendered.

**7.** A licence may be renewed from time to time and the provisions of this Act and the rules made thereunder (including provisions as to payment of fees) shall apply to the renewal of a licence as they apply to the issue thereof:

Removal of licence.

Provided that no licence shall be renewed unless the application for its renewal is made not less than three months prior to the date on which the licence would, but for such renewal, cease to be valid.

Cancellation,  
suspension,  
etc.  
of a  
licence.

8. (1) The licensing authority may cancel a licence on any one or more of the following grounds, namely:—

(a) that, having regard to the manner in which the holder of the licence has carried on his business, the licence is required to be cancelled;

(b) that the holder of the licence has, subsequent to the issue of the licence, been convicted—

(i) for any offence under this Act or the rules made thereunder; or

(ii) for any offence under any other law for the time being in force involving moral turpitude;

(c) that the licence has been obtained or renewed on misrepresentation or on the suppression of any material fact;

(d) that the holder of the licence has violated any of the terms and conditions of the licence;

(e) that, in the opinion of the Central Government, it is necessary in the interest of friendly relations of India with any foreign country or in the interests of the general public, to cancel the licence.

(2) Where the licensing authority, for reasons to be recorded in writing, is satisfied that pending the consideration of the question of cancelling any licence on any of the grounds mentioned in sub-section (1), it is necessary so to do, it may, by order in writing, suspend the operation of the licence for such period not exceeding sixty days as may be specified in the order and require the holder of the licence to show cause, within fifteen days from the date of receipt of such order, as to why the suspension of the licence should not be extended till the determination of the question as to whether the licence should be cancelled.

(3) Before passing an order cancelling or suspending a licence under this section, the licensing authority shall consider the arrangements that are required to be made for safeguarding the interests of shippers and other persons who have had any transaction with the holder of the licence in the course of his business as such shipping agent and make such orders (including orders permitting the holder of the licence to carry on his business with respect to all or any such persons) as it may consider necessary in this behalf.

(4) Where a licence issued to any person has been cancelled under this section,—

(a) the licensing authority may, if it is satisfied that the holder of the licence has violated any of the terms and conditions of the licence or for any other reason, the whole or any part of the security deposit furnished by him is required to be forfeited, it may make an order to that effect; or

(b) the holder of such licence shall not be eligible to make an application for another licence until the expiry of a period of two years from the date of such cancellation:

Provided that before making any order under sub-section (3) or sub-section (4), the licensing authority shall give the holder of the licence a reasonable opportunity of being heard.

### CHAPTER III

#### DUTIES AND OBLIGATIONS OF SHIPPING AGENTS

**9.** No shipping agent shall enter into any contract with any owner, principal, charterer or master of a ship, the terms and conditions of which are at variance with, or in contravention of, the provisions of this Act, the rules made thereunder or the terms and conditions of the licence issued to him under this Act.

Duties  
and  
obligations  
of shipping  
agents.

**10.** Except with the prior approval of the licensing authority, and subject to such terms and conditions as may be imposed by that authority, no shipping agent or any owner, principal, charterer or master of a ship shall withdraw from any contract entered into by him until the completion of the voyage of the vessel in respect of which the shipping agent has collected freight from the shippers:

Shipping  
agent not  
to with-  
draw from  
contract  
till  
'completion  
of voyage.'

Provided that where the licensing authority is satisfied that any voyage of a vessel cannot be completed for reasons beyond the control of the shipping agent or owner, principal, charterer or master, it may, for reasons to be recorded in writing, and on such terms and conditions as it may deem fit to impose, permit such shipping agent or owner, principal, charterer or master to withdraw from such contract.

**11. (1)** Where any cargo is booked by a shipping agent, he shall—

(a) deposit in a nationalised bank, to the credit of the licensing authority, an amount equivalent to twenty-five per cent. of the freight collected by him from the shippers for such booking; or

(b) furnish a bank guarantee in favour of the licensing authority for an amount equivalent to twenty-five per cent. of the freight referred to in clause (a).

Deposit,  
etc., of  
twenty-  
five per  
cent. of  
freight  
with  
licen-  
sing  
authority.

(2) Any bank guarantee given under sub-section (1) shall be valid for a period of one year from the date of receipt of the pre-paid freight collected by the shipping agent.

(3) The licensing authority may, if it is satisfied that the voyage in respect of which a deposit has been made or, as the case may be, a bank guarantee has been furnished under this section has been completed, refund the deposit or, as the case may be, release the bank guarantee.

(4) Where any deposit has been made or a bank guarantee has been furnished under this section in respect of a voyage and the licensing authority is satisfied that such voyage has not been completed within a reasonable time (such reasonable time being determined having regard to the specific trade, distance to be covered, port conditions and other matters) and that such non-completion is due to any fault on the part of the shipping agent, the licensing authority may forfeit the deposit made or the bank guarantee furnished.

Filing of tariff of freight with licensing authority.

Bill of lading to reflect freight charges, etc.

Shipping agent not to adjust freights collected in respect of other transactions.

Shipping agent not to cancel or withdraw sailings without prior permission of licensing authority.

Maintenance of records and filing of returns.

Power of entry and inspection.

No port clearance until licence is produced.

**12.** Every shipping agent shall, within thirty days of the issue of a licence to him, file with the licensing authority tariff of freight rates, other charges, surcharge or rebate, if any, at which cargoes will be loaded by him at Indian ports or places and shall also file with the licensing authority every amendment thereof within thirty days of making such amendment.

**13.** Every bill of lading given by a shipping agent shall indicate therein the freight (including other charges and surcharge, if any) collected by him and the rebate, if any, given.

**14.** A shipping agent shall not adjust the whole or any part of any freight collected in respect of any specific contract against dues recoverable from any owner, principal, charterer or master of a ship in respect of any other contract.

**15.** Where a shipping agent has accepted booking of cargo or has loaded cargo on board a ship, he shall not cancel or withdraw the sailing of such ship declared by him on behalf of any owner, principal, charterer or master of a ship or alter the destinations already declared, booking accepted or cargo loaded without the prior written permission of the licensing authority.

**16.** Every shipping agent holding a licence under this Act shall maintain such books and records as may be prescribed and shall submit such returns to the licensing authority as may be prescribed.

## CHAPTER IV

### MISCELLANEOUS

**17.** The licensing authority or any officer specially empowered by the licensing authority may,—

(a) for the purpose of ascertaining whether the provisions of this Act or any rules made thereunder are being complied with, enter and inspect at all reasonable times the premises in which any shipping agent is carrying on his business; and

(b) inspect and obtain copies of any books or records required to be kept and maintained under this Act or any rules made thereunder.

**18.** No customs collector shall grant a port clearance to a ship unless the ship has been handled by a shipping agent who holds a valid licence under this Act.

**19.** Any shipping agent acting in contravention of any provision of this Act or the rules made thereunder or who fails to comply with any provision of the licence issued to him shall be punishable on conviction with imprisonment for a term which may extend to six months or with fine which may extend to twenty-five thousand rupees or with both.

Offences  
and  
penalties.

**20.** (1) Where an offence under this Act or the rules made thereunder has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such contravention and shall be liable to be proceeded against and punished accordingly:

Offences  
by  
companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where any contravention has been committed by a company and it is proved that such contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.—For the purposes of this section,—*

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

**21.** No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try any contravention of any provision of this Act or any rule made thereunder.

Jurisdi-  
ction of  
courts.

**22.** Any person contravening any of the provisions of this Act or any rule made thereunder shall be tried for such contravention before the court having jurisdiction over the place of business indicated in his licence.

Place of  
trial.

**23.** (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power  
to make  
rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form in which an application for licence shall be made under section 5, the matters that are required to be contained in such application, the fees that shall be payable on such application, the form of undertaking to be given by the applicant under that section, and the procedure to be followed for the cancellation of the licence;

(b) the form of a licence, the period for which such licence shall be valid, the terms and conditions subject to which a licence

may be issued and the amount of security deposit that may be furnished;

(c) the books and records that may be maintained by a shipping agent under section 16 and the returns to be filed by a shipping agent under that section;

(d) any other matter which is to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

The Bill seeks to provide for the regulation of the activities of shipping agents by introducing a system of licensing. The main objective behind such licensing is to bring discipline in the working of shipping agents and to protect India's sea-borne trade from the possible malpractices indulged in by these shipping agents.

2. The Bill seeks to regulate the shipping agents in the following manner:—

- (a) no shipping agent can, after the Bill is passed, commence or carry on the business of a shipping agent except under, and in accordance with, a licence issued by the licensing authority appointed under the Act;
- (b) while applying for a licence, a shipping agent will have to furnish to the licensing authority such information as to his financial soundness, address at which he intends to carry on business, facilities at his disposal, his antecedents, previous experience, if any, as a shipping agent, etc.;
- (c) licence issued will be valid for a period not exceeding five years or such shorter period as may be desired by the applicant;
- (d) licence may be cancelled by the licensing authority (i) having regard to the manner in which the holder of a licence has carried on his business, (ii) if the holder of licence has been convicted in India for an offence involving moral turpitude or for an offence under the Act, (iii) if a shipping agent has obtained a licence or renewed it on misrepresentation or suppression of any material fact, (iv) if a shipping agent has violated any terms and conditions of the licence, etc.;
- (e) it has been provided that pending consideration of cancellation of any licence, the licensing authority can suspend the licence for a maximum period of sixty days provided that for extension of this period the licensing authority would require the holder of licence to show cause as to why such suspension should not be extended till the determination of the question of cancellation of licence.

3. The Bill also specifies certain duties and obligations of a shipping agent to ensure that he does not enter into any contract with the owner, principal, charterer or master of a ship in contravention of the provisions of the Act and the rules framed thereunder, that he will not withdraw from any contract of shipment except with the prior approval of the licensing authority, deposits to the credit of the licensing authority a sum equivalent to 25 per cent of the freight collected by him or equivalent bank guarantee as security for the purpose of his obligations, files his tariff of freight rates and other charges and any amendments thereto with the licensing authority as also the prescribed returns, indicates the freight rates and other charges in the bills of lading issued by

aim, that having accepted booking and loaded cargoes he will not withdraw a declared sailing without the prior approval of the licensing authority, etc.

4. The Bill contains provisions for punishment upon conviction with fine extending up to Rs. 25,000 or imprisonment extending up to six months or both, for any contravention of the provisions of the Act and the rules made thereunder.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;

*The 10th April, 1987.*

**RAJESH PILOT.**

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#### FINANCIAL MEMORANDUM

The Bill seeks to provide for the regulation of the activities of the shipping agents in India by a system of licensing them in accordance with specific provisions of the Bill. Clause 3 of the Bill proposes appointment of a licensing authority for the purposes of the Bill. Under the powers given to the Central Government, the licensing authority and supporting staff are sought to be appointed for licensing and regulation of shipping agents at various ports in India. The Bill, if enacted, would necessitate expenditure from the Consolidated Fund of India on the appointment of such licensing authority and staff. The recurring annual expenditure on such licensing authority and staff and on maintenance of office premises, stationery, telephone, telegrams, etc., will be approximately Rs. 16,24,4000. The Bill will also involve a non-recurring expenditure of about Rs. 1,30,000 on the purchase of furniture, installation of telephone, telex, fan, cooler, uniforms; etc.

2. In order to recover in part the expenditure to be incurred on the staff, provisions have been made in clauses 5 and 7 of the Bill to fix the fees to be paid by the applicants for obtaining a licence and also for renewal of licence under the Bill. The amount of fee will be prescribed by rules to be made under clause 5 of the Bill and as such it is not possible at this stage to indicate the actual revenue that the Central Government will earn by way of such fees.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the Central Government to make rules to carry out the provisions of the Act. The matters in respect of which rules may be made, *inter alia*, relate to the form in which the application for licences may be made, the fees payable, the form of undertaking to be given on the issue of a licence, procedure to be followed for cancellation of licence, the form in which, conditions subject to which and the period for which licence may be issued; the books and records that may be maintained by a shipping agent and the returns to be submitted to the licensing authority and such other matters as are required to be specified by rules.

2. The matters in respect of which rules may be made are matters of procedure or administrative detail. The delegation of legislative power is, therefore, of a normal character.

## II

## BILL No. XX OF 1987

*A Bill further to amend the Atomic Energy Act, 1962*

Be it enacted by Parliament in the Thirty-eight Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Atomic Energy (Amendment) Act, 1987.

Amend-  
ment of  
Section 2.

2. In section 2 of the Atomic Energy Act, 1962 (hereinafter referred to as the principal Act), in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

33 of 1962.

'(bb) "Government company" means a company in which not less than fifty-one per cent of the paid up share capital is held by the Central Government;.'

Amend-  
ment of  
Section 3.

3. In section 3 of the principal Act,—

(i) in clause (a), after the words " atomic energy", the words "either by itself or through any authority or corporation established by it or a Government company" shall be inserted;

(ii) for clause (b), the following clauses shall be substituted namely:—

"(b) to manufacture or otherwise produce any prescribed or radioactive substance and any articles which in its opinion

are or are likely to be, required for, or in connection with, the production, development or use of atomic energy or such research as aforesaid and to dispose of such prescribed or radioactive substance or any articles manufactured or otherwise produced;

(bb) (i) to buy or otherwise acquire, store and transport any prescribed or radioactive substance and any articles which in its opinion are, or are likely to be required for, or in connection with, the production development or use of atomic energy; and

(ii) to dispose of such prescribed or radioactive substance or any articles bought or otherwise acquired by it.

either by itself or through any authority or corporation established by it, or a Government company;";

(iii) in clause (f), after the words "all matters incidental thereto", the words "either by itself or through any authority or corporation established by it or a Government company" shall be inserted.

**4. In sub-section (1) of section 22 of the principal Act.—**

Amend-  
ment of  
section 22.

(i) in clause (a), after the words "to operate", the words "either by itself or through any authority or corporation established by it or a Government company," shall be inserted;

(ii) in clause (b), for the words "with the concurrence of", the words "either by itself or through any authority or corporation established by it or a Government company, in consultation with" shall be substituted;

(iii) in clause (c), after the words "is situated.", the words "either by itself or through any authority or corporation established by it or a Government company" shall be inserted;

(iv) in the proviso, after the words "Central Government", the words "or such authority or corporation or Government company as the case may be," shall be inserted.

**5. In section 23 of the principal Act, after the words "in relation to any factory owned by the Central Government", the words "or any authority or corporation established by it or a Government company" shall be inserted.**

Amend-  
ment of  
section 23.

**STATEMENT OF OBJECTS AND REASONS**

The Atomic Energy Act, 1962 *inter alia* empowers the Central Government to produce and supply electricity from atomic energy. It is felt that in order to achieve the envisaged target of nuclear power generation of 10,000 MW of installed generating capacity by the year 2000 AD, a nuclear power corporation or a Government company should be set up which would design, construct and operate nuclear power stations. This corporation or company would also be in a position to raise resources other than what is actually available from Government for this programme and also provide greater operational flexibility. To enable the Government to entrust its power to own, establish and operate nuclear power stations to a corporation or Government company and to enable such corporation or Government company to perform such other functions incidental to such powers, it is necessary to amend the Atomic Energy Act.

2. The Bill seeks to achieve the above object.

NEW DELHI;

K. R. NARAYANAN.

*The 7th May, 1987.*

## III

## BILL NO. XXI OF 1987

*A Bill to amend the Equal Remuneration Act, 1976.*

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Equal Remuneration (Amendment) Act, 1987.

Short title.

2. In the Equal Remuneration Act, 1976 (hereinafter referred to as the principal Act), in section 5, after the words "work of a similar nature.", the words "or in any condition of service subsequent to recruitment such as promotions, training or transfer," shall be inserted.

Amend-  
ment of  
section 5.

3. In section 10 of the principal Act,—

(a) in sub-section (1), for the words "with fine which may extend to one thousand rupees", the words "with simple imprisonment for a term which may extend to one month or with fine which may extend to ten thousand rupees or with both" shall be substituted;

Amend-  
ment of  
section 10.

(b) in sub-section (2), for the words "with fine which may extend to five thousand rupees," the words "with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with imprisonment for a term which shall be not less than three months but which may extend to one year or with both for the first offence, and with imprisonment which may extend to two years for the second and subsequent offences" shall be substituted.

Substitution of new section for section 12.

Cognizance and trial of offences.

4. For section 12 of the principal Act, the following section shall be substituted, namely:—

'12. (1) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(2) No court shall take cognizance of an offence punishable under this Act except upon—

(a) its own knowledge or upon a complaint made by the appropriate Government or an officer authorised by it in this behalf, or

(b) a complaint made by the person aggrieved by the offence or by any recognised welfare institution or organisation.

*Explanation.*—For the purposes of this sub-section "recognised welfare institution or organisation" means a social welfare institution or organisation recognised in this behalf by the Central or State Government.'

Substitution of new section for section 15.

Act not to apply in certain special cases.

5. For section 15 of the principal Act, the following section shall be substituted, namely:—

"15. Nothing in this Act shall apply,—

(a) to cases affecting the terms and conditions of a woman's employment in complying with the requirements of any law giving special treatment to women, or

(b) to any special treatment accorded to women in connection with—

(i) the birth or expected birth of a child, or

(ii) the terms and conditions relating to retirement, marriage or death or to any provision made in connection with the retirement, marriage or death."

### STATEMENT OF OBJECTS AND REASONS

The Equal Remuneration Act, 1976 (25 of 1976), provides for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto.

2. The Act, while requiring equal payment to be made to men and women doing the same or similar work and stipulating that no discrimination should be made between men and women in recruitment does not specifically state that discrimination should not be made between men and women while in employment. This is a lacuna which can enable an employer to discriminate against women in matters like promotions, training, transfers, etc. It is, therefore, proposed to modify section 5 of the Act to prohibit discrimination against women not only in recruitment but also in relation to conditions of service subsequent to employment such as promotions, training, transfers, etc.

3. Inspite of the Equal Remuneration Act having been passed more than 10 years ago there are several employers who continue to pay lower wages to women. One of the reasons for this is that the penalty laid down is not sufficiently stringent. The penalties fixed under section 10 are therefore being enhanced.

4. Inspite of the known prevalence of disparity in wages between men and women, there have not been many reports of violations of the Act. It is, therefore, proposed to permit voluntary organisations, in addition to the inspecting staff to file complaints regarding violations of the Act.

5. Section 15 of the Equal Remuneration Act is also being amended to specifically provide that it cannot be used to justify discriminatory practices against women workers.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;

*The 11th May, 1987.*

PURNO A. SANGMA.

SUDARSHAN AGARWAL,  
*Secretary-General.*

